

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ILIOULAOKALANI COALITION, et al.,
Plaintiffs,

v.

DONALD H. RUMSFELD, et al.,
Defendants

Civil No. 05-0015915

DECLARATION OF RONALD L. BORNE

I, Ronald L. Borne, hereby declare that:

1. I am currently the Director of Transformation, U.S. Army Garrison Hawaii. In this capacity, I oversee the planning, programming, synchronization and management of the facility programs and projects to transform the 25th Infantry Division (25th ID) pursuant to the Army Campaign Plan into a Modular Force, of which includes a Stryker Brigade Combat Team. Delaying the construction projects associated with this program will significantly disrupt the readiness and transformation of the 2nd Brigade, 25th ID ("2/25") to a Stryker Brigade Combat Team (SBCT). A delay will also adversely impact the training and readiness of all other Army units stationed in Hawaii because they also will rely on these projects to train.
2. I served as a commissioned officer in the U.S. Army for 17 years until retirement in 1996. Prior to assuming my duties in November 2001 as the Director of Transformation, I served as the Range Officer for the 25th ID at Schofield Barracks for one year. In that capacity, I was responsible for the maintenance, planning, safety, operations, and scheduling of military training lands and live fire (use of live

ammunition) facilities at Schofield Barracks. I was responsible for 169,000 acres and 32 facilities. Prior to that, from 1996 until June 2000, I served as the Director of the Integrated Training Area Management program, where I was responsible for the study, monitoring, maintenance, operation, and mitigation of Army training land in Hawaii in order to optimize the use of this land for training.

3. The 2nd Brigade of the 25th ID began its transformation from a Light Infantry Brigade to a SBCT in October 2005 and was redesignated 2nd SBCT, 25th Infantry Division (2/25 SBCT). Already 12 months into the transformation process, 2/25 SBCT must be ready to deploy for strategic missions by 1 November 2007. In order to accomplish this, there are several absolutely essential activities that must occur. These activities fall into three separate but interdependent categories: new equipment fielding/training, Soldier and unit level training, and construction. Described below are the minimum essential activities that must take place while the Army prepares the, already initiated, supplemental EIS directed by the Court in order to prepare 2/25 SBCT to deploy for combat.

4. New Equipment Fielding/Training. New equipment fielding involves the process of providing the unit with all of the new items of equipment it needs to function as an SBCT. To date, over 18,000 pieces of new or reassigned equipment, to include over 1,400 pieces of rolling stock, i.e., vehicles, trailers, etc., have been processed for 2/25SBCT. Of the 328 Strykers, consisting of the ten variants, programmed for 2/25 SBCT, 161 Stryker vehicles are physically in Hawaii. Six Stryker vehicles are on a ship enroute to Hawaii with a scheduled arrival date of 30 October 2006. Two more are in transit from the factory and are expected to arrive on 11 December, with the remaining

159 due in from 1 December to 30 April 2007. In addition to assigning equipment, New Equipment Training (NET) is being conducted for 2/25 SBCT so the Soldiers are able to operate these new pieces of equipment. NET began on 11 October 2005 and is scheduled currently to end 29 June 2007. NET is designed for operators, supervisors and maintainers to acquire the basic skills to complete their individual duties on a new systems and vehicles. Systems associated with SBCT include new or upgraded weapons systems (individual and crew served), communication systems, unmanned aerial vehicles, tactical wheeled vehicles, computer systems with various software programs, command and control vehicles and the ten variants of Strykers. While training courses are separate, the entire NET is synchronized both simultaneously and sequentially among the brigade's subordinate units. To date, 1078 of 1245 NET courses training 9083 Soldiers (this counts each Soldier in each course, many Soldiers attend multiple courses) have been conducted covering 245 different courses of instruction. A part of NET training is required specifically for new Stryker tasks. Individual Stryker vehicle training consists of 1) driving, 2) firing the weapon system on the Stryker for familiarization, 3) maintaining the vehicle and 4) operating the special equipment on the specific Stryker. Each Stryker has an average of four crew members and, depending on their duty position, the Army approved Program of Instruction requires 44 hours of actual driving by each of these crews. Specifically, the primary driver receives 24 hours of actual driving (day and night); the alternate driver receives 16 hours (day and night); the vehicle command and the alternate vehicle command each receive 2 hours of drivers training (day and night). (44 hours total). Training is completed using existing roads, trails and ranges on Schofield Barracks or Pohakuloa Training Area (PTA). For those Stryker vehicles

equipped with a Mobile Gun System (MGS), which is a 105 millimeter (mm) gun, crews must operate and fire the MGS using non-explosive training ammunition as part of the NET process. Completing this requirement will involve a temporary modification to an existing range at Pohakuloa Training Area. This modification is required because neither of the Battle Area Complex (BAX) facilities will be completed in time for the fielding of the MGS and none of the existing ranges are configured to support the use of this weapons system. The existing range selected for this temporary modification is Range 11T at PTA. Range 11T is currently a helicopter gunnery, machine gun and anti tank missile range. Prior to this the range was used for tank gunnery. The 25thID had main battle tanks until the mid 1980s. These tanks (Model M60 series tanks) were equipped with the same type of weapons system as the MGS, a 105mm gun. All MGS NET qualification requirements will take place on this range. This temporary range uses primarily existing firing points, roads and targets. Only non-explosive training ammunition will be used during firing. Range 11T, as a former 105mm gun range, was chosen because it has the parameters to accommodate the MGS with minor modifications and no adverse environmental impacts

5. Soldier and Unit Level Training. Transformation involves training soldiers on new tasks. It involves creating an entirely new organization of the Brigade structure, as well its subordinate units. Training to support this new organization involves two sequential phases: individual soldier training and collective training.

a. Phase 1, Individual soldier training: This training goes on continuously in all units in the Army for both initial familiarization and then for sustainment training on various skills. Individual soldiers are trained on their specific Military Occupational

equipment, has successfully completed its Mission Rehearsal Exercise and is prepared for deployment to war.

6. Construction. There are twenty eight important military construction projects covered under the SBCT EIS associated with transformation to a SBCT. Many of the projects, however, are multi-use facilities which all Army units and other military services will use. Several of these projects replace, and are being built over aging critical facilities that were used by all of these units. While each of these projects has various degrees of critical importance to the fielding and sustainment of an SBCT in Hawaii, there are five construction projects which cannot be delayed, even in the short term, because they are absolutely critical for transforming 2/25 SBCT to a SBCT and being ready to meet the Army requirement to deploy in November 2007. The five projects are: Qualification Training Range One (QTR1), 2/25 SBCT Motor Park and Maintenance Area (SBCT Motor Pool), Urban Assault Course (UAC), Tactical Vehicle Wash Facility, and the Multiple Deployment Facility (MDF). Of these five, three are actually built over the facilities they are replacing, substantially minimizing environmental impacts. Two of these facilities, QTR 1 and the Tactical Vehicle Wash are already constructed and the other three are over 50% complete.

a. The most important project is QTR1 at Schofield Barracks. It is a multi-purpose small arms and machine gun range built to accommodate all individual or crew served, pistol, rifle and machine gun, qualification requirements. QTR1 was built over the former site of qualifying ranges (the McCarthy Flats Ranges) used by 2/25 SBCT and other units in the past. It is essentially a range improvement project that involved major construction to create a QTR for all individual weapons and machine guns using the

modern sighting systems. QTR1 is designed to support all individual and crew-served weapons qualification tasks and is not unique to an SBCT or to the Army. It also supports other military services. Soldiers are required to qualify with their individual and crew-served weapons (sighting and scoring marksmanship) once every six months using the original permanent manufacturers' rifle aiming sights, and any special optical, laser and thermal sights required for their specific duty. In addition, Soldiers in units with assigned vehicles must individually qualify with many of those same weapons while situated on designed mounts on their vehicles in a stationary position. An SBCT's use of QTR1, like any other unit, would include individual hand-held or crew-served, tripod-mounted marksmanship qualification. These same crew-served weapons could also be fired from mounts on top of a stationary vehicle, such as a HMMWV, truck or a Stryker positioned behind the ground firing point and using the same range targets. This allows those crews to sight and qualify with their machine guns in the expected combat positions of laying on the ground, standing in a fox hole or from atop their assigned vehicle. All ammunitions used on this range are training in nature and are not explosive. QTR1 range is a critical facility for 2/25 SBCT because without it, there is no range in Hawaii for 2/25 SBCT soldiers to become proficient with their weapons. It is already completed and is in use today. Not only have the qualification ranges that were used in the past been removed to make way for QTR1, it is the most critical range complex for the operational NET training of 2/25 SBCT as a SBCT, as well as the common qualification range for all Army units in Hawaii

b. The second most critical project is the SBCT Motor Pool at Schofield Barracks. The SBCT Motor Pool is designed to provide a facility for 2/25 SBCT to park

and maintain the over 1000 vehicles, trailers and wheel mounted systems that are assigned to 2/25 SBCT. This project will allow units to store all assigned vehicle, trailers and equipment and also allows for shops to perform a myriad of maintenance functions. The SBCT Motor Pool is being built over former agriculture lands (the South Range Acquisition Area) and built through a major construction project to serve 2/25 SBCT as a standard cantonment area facility for routine maintenance and equipment storage. This facility is required for 2/25 SBCT to park and maintain their vehicles. Without this facility there is no place on Oahu to carry out these functions as there was already an existing shortage of like facilities for all Army units in Hawaii.

c. The third most important facility is the UAC at Schofield Barracks. The UAC is designed to provide a facility capable of training 2/25 SBCT units on urban terrain combat, such as is currently occurring in Bagdad where an operational Fort Lewis SBCT is currently assigned. This project will allow 2/25 SBCT units to achieve force effectiveness in urban terrain at the most basic level from individual to platoon level. This facility is designed to satisfy training requirements and skills needed by dismounted infantry to defeat the enemy in the modern battlefield. Without the UAC, training units will not be able to train to the current urban operation doctrine and training standards. This project provides combat units and commanders the degree of proficiency required for successful combat, command and control in complex Military Operations in Urban Terrain (MOUT). This facility is a dismounted range intending to train soldier on combat in urban areas in individual and small unit tasks. The UAC is a multi purpose small arms and machine gun range built to accommodate all urban area live fire training requirements. The UAC was built over the former site of the Military Operations in

Urban Terrain, Assault Course (MAC) used by 2/25 SBCT and other Army units in Hawaii to practice urban fighting techniques. It improved the MAC through a major construction project to function as a UAC for all live fire urban training requirements. While the UAC is designed to support a common task of individual and small unit live fire training and it is not unique to the Army nor to a SBCT. The weapons and tactics that 2/25 SBCT will use at the UAC are common to all US military Services and units, both active duty and reserve, as well as other allied nations military units. It is critical to 2/25 SBCT because there is no other facility in Hawaii to conduct live fire urban warfare training. It is almost a certainty that 2/25 SBCT will be engaging in urban warfare when deployed. Soldiers are required to acquire and practice drill techniques of entering and clearing hostile forces from urban buildings while minimizing casualties. Personnel identification, team work and ballistics effects are experienced in a UAC. 2/25 SBCT's use of the UAC, like that of the other units in Hawaii, will be limited to dismounted individual or small unit live fire drills.

d. The fourth most important project is the Tactical Vehicle Wash Facility, at Schofield Barracks East Range. The Tactical Vehicle Wash Facility was built to provide a facility for 2/25 SBCT and other units to conduct a cursory wash of soil, debris and alien seeds from vehicles, trailers and wheel mounted systems that are used in East Range and vicinity of Schofield Barracks. This project allows units to prevent the spread of alien invasive species of weeds and other biological pests between the unique ecosystems between Army training areas, as required by the U.S. Fish and Wildlife Biological Opinion for Oahu, and prevent the spread of mud and soils on the public or military roads. The Tactical Vehicle Wash Facility allows the Soldiers to perform a myriad of

8. The timely construction of all projects covered under the SBCT EIS is important to the success of 2/25 SBCT as a SBCT and to other military units in Hawaii. However, any delay to the SBCT training or new equipment training programs or to the five projects describe above will have an immediate and disastrous impact on 2/25 SBCT.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



RONALD L. BORNE

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Date